IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.70 OF 2006
IN
WRIT PETITON NO.875 OF 2004

Municipal Corporation of Gr.Mumbai
& Anr. ..Applicants.

V/s.

Smt.Tillotama R. Khanvilkar ..Respondent.

Mr.A.J. Bhor for applicants.

Mr.Mahesh Thorat i/b. Hutoxi Tavadia & Associates for respondent.

CORAM : V.C.DAGA, J.

DATED : 20TH APRIL, 2006.

P.C. :-

In this petition, by an impugned order dated 10.2.2004, the petitioner-Corporation was directed to pay amounts due as mentioned in clause (2) in the order dated 15/12/2003 within a period of 2 weeks from 10th February, 2004. Thereafter, by a subsequent order the respondent was permitted to withdraw the said amount subject to furnish undertaking. The petition came to be disposed of by an order dated 9th March, 2004. Today, the Corporation has moved an application seeking permission to deposit Rs.53,000/- payable to the complainant workmen / employee over and above the amount

already deposited. According to the learned counsel appearing for the petitioner-Corporation, the said amount could not be deposited pursuant to the order in this Court dated 10/2/2004 since the amount deposited was short by Rs.53,000/-.

2. It is needless to mention that the complainant -workman was deprived of the amount of Rs.53,000/- almost for a period of 2 years. In this view of the matter, the petitioner-corporation cannot simply wash its hands by depositing deficit amount of Rs.53,000/-. The Corporation has to compensate the respondent - workman. Hence it shall now pay interest for delayed payment on the amount of Rs.53,000/-at the rate of 10% p.a.

3 . The Industrial Court is permitted to accept Rs.53,000/- with interest thereon at the rate of 10% calculated from the date of order i.e. 10/2/2004 till deposit of the amount. The amount should be deposited within a period of 4 weeks from today, failing which the rate of interest shall be 12% instead of 10% p.a.

4. In the result, civil application stands dismissed with no order as to costs.

-= : 3 : =-

******